

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MATTHEW LIVERS,

Plaintiff,

vs.

EARL SCHENCK, Cass County Sheriff's
Investigator; WILLIAM LAMBERT, Nebraska
State Patrol Investigator; CHARLES
O'CALLAGHAN, Nebraska State Patrol
Investigator; SANDRA WEYERS, Cass County
Sheriff's Sergeant; COUNTY OF CASS,
Nebraska; DAVID KOFOED, Commander of
the Douglas County Sheriff's Office Crime
Scene Investigation Division,

Defendants.

8:08CV107

ORDER

This matter is before the court on the plaintiff's unopposed motion to dismiss with prejudice the plaintiff's claims against defendants Earl Schenck, Sandra Weyers and Cass County, Nebraska, Filing No. [723](#).

Under the Federal Rules, an action may be dismissed at the plaintiff's request by court order on terms that the court considers proper. [Fed. R. Civ. P. 41\(a\)\(2\)](#). Livers's claims against the other defendants remain active and dismissal of defendants Schenck, Weyers and Cass County, Nebraska, has no impact on the claims the plaintiff has pending against the other defendants. The plaintiff and defendants Schenck, Weyers, and Cass County, Nebraska, have agreed that the parties will pay their own attorney's fees and costs.

The court finds the motion to dismiss should be granted. Accordingly,

IT IS ORDERED that the plaintiff's claims against defendants Schenck, Weyers and Cass County, Nebraska, are dismissed, with prejudice, each party to pay its own costs.

Dated this 12th day of November, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge